

Remarks

Claims 12-16 are pending. Claim 12 has been amended to exclude the presence of a redox coupling component that is taught in the prior art. The amendment is analogous to an amendment to proviso out compounds shown in the prior art. Such an exclusion is permitted under the rationale of In re Johnson, 194 U.S.P.Q. 187 (CCPA 1977). No new matter has been added.

Applicants propose amending claim 12 in order to exclude a prior art teaching and place the case in condition for allowance. The amendment will not require a new search or significant effort. For these reasons, Applicants submit that good cause exists to enter the amendment even though presented after final rejection.

The Examiner maintains her rejection of claims 12-14 under 35 U.S.C. 103 as being unpatentable over published European Patent Application No. 586,911 ("EP '911"). Applicants respectfully traverse this rejection.

EP '911 requires the use of a soil modifier that contains a redox couple of a water soluble ferrous salt and an oxidizing agent. The purpose of the redox coupling component is to form a stable gel, which is an essential attribute the composition. Claim 12 has been amended to exclude the presence of such a redox couple. As noted previously, the present invention is meant to be an aqueous solution, gelling is not desirable. EP '911, therefore, fails to disclose or suggest the invention of claim 12 and its dependent claims. Applicants submit that the present application is now in condition for allowance.

Respectfully submitted,



David R. Crichton
Attorney for Applicants
Reg. No. 37,300

Ciba Specialty
Chemicals Corporation
540 White Plains Road
P.O. Box 2005
Tarrytown, New York 10591-9005
Tel: (914) 785-7124
Fax: (914) 785-7102

Amended Claims with underlining and bracketing

12. (three times amended) A soil treatment process comprising adding an aqueous soil treatment composition comprising:

(a) an ionic water-soluble fertilizer in an amount of at least 10 weight percent, and

(b) a water-soluble anionic polymer with has intrinsic viscosity of at least 6 dl/g and is formed from water-soluble monomer or monomer blend of which at least 40 weight percent is anionic monomer which composition does not contain a redox couple comprising a water soluble ferrous reducing agent and an oxidizing agent,

to water, the composition being thereby diluted, and irrigating an area of soil with the water.